

Oregon Weed Control

(Generally)

570.500 Legislative findings; need for evaluation. The Legislative Assembly finds and declares that:

(1) Noxious weeds are currently invading agricultural land and natural environments and causing severe production losses, increased control costs, negative impacts on native flora and fauna, decreased utilization of recreational areas and decreased value of farm, range and forest lands. Some of those noxious weeds are poisonous or harmful to humans or animals.

(2) Noxious weed control programs are carried out by private and public landowners, counties and state agencies.

(3) The economic and environmental impacts of noxious weeds in Oregon have not been quantified. Although 92 weeds have been listed by the State Department of Agriculture as restricted noxious weeds or prohibited noxious weeds, only tansy ragwort has been studied for economic and environmental impact. A comprehensive evaluation of other noxious weeds is necessary to determine in which areas, if any, the invasion of noxious weeds is sufficiently severe to justify a declaration by the Director of Agriculture of a weed control emergency.

(4) The overall effectiveness and efficiency of the various noxious weed control programs of this state have never been evaluated. Evaluating and coordinating those programs could reduce the need for the director to declare weed control emergencies. [1999 c.472 §1]

Note: 570.500 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 570 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

570.505 Necessity of eradication of weeds; cooperation in control and eradication. Noxious weeds have become so thoroughly established and are spreading so rapidly on state, county and federally owned lands, as well as on property in individual ownership and in transition to county ownership through tax delinquency, that they hereby are declared a menace to the public welfare. While it is recognized that complete eradication may not be practicable, it hereby is established that steps leading to eradication and control are necessary and that responsibility rests not only on the individual landowner and operator but also on the county, state and federal government, and that the county, state and federal government should cooperate with individual owners in the control and eradication of noxious weed pests. [Amended by 1985 c.621 §1]

570.510 State and counties to control noxious weeds. The state and the respective counties shall control any weeds designated as noxious by the state or the respective counties in any such county on land under their respective ownerships. [Amended by 1985 c.621 §2]

570.515 County governing body may create weed control district; petition for special weed control district. (1) The county governing body of each county may declare the county, or any portion of the lands in a county, a weed control district for the purpose of destroying such weeds and of preventing the seeding and spread of such other weeds and plants as the governing body may for the purposes of ORS 570.515 to 570.600 declare noxious.

(2) If the county is not made a weed control district or if the county weed control district does not include all such weeds or plants desired as included as noxious, interested parties may present a petition for a special weed control district. The petition shall describe the area to be included in the special weed control district and name the noxious weeds to be destroyed or prevented from blooming and producing seed within the district, and must be signed by more than half of the landowners in the area described in the petition who also own more than half of the acreage in the area. Upon presentation of such a petition, the county governing body shall declare such area a special weed control district and such weeds noxious within the district, in accordance with the petition. [Amended by 1985 c.621 §3]

570.520 Weed inspectors; appointment; duties; compensation. (1) The court shall, upon declaring a weed control district, appoint a weed inspector or inspectors, whose duties it shall be:

(a) To find out if any noxious weeds or plants are being permitted to grow and produce bloom or seed within the district or districts contrary to the provisions of ORS 570.515 to 570.600;

(b) To serve notices;

(c) When necessary to destroy or cut or to supervise the destruction or cutting of the noxious weeds growing or seeding within the weed control district; and

(d) To conduct investigations, approve plans and certify expenditures pertaining to weed control projects pursuant to ORS 570.590.

(2) The person or persons appointed by the county court shall receive for their services reasonable wages, as determined by the county court, for the time actually employed in the performance of duty under ORS 570.515 to 570.600. [Amended by 1975 c.555 §12]

570.525 Notice of district creation and weeds to be controlled. The county court shall, upon declaring a weed control district or districts, cause to be published an official notice describing each district and naming weeds to be destroyed and to be prevented from producing seed within the districts. The notice shall be published in a newspaper or newspapers, not exceeding three in number, serving the districts, in two consecutive issues if weekly, or two times at intervals of one week if daily or semiweekly. Immediately after the last publication of the official notice, the provisions of ORS 570.515 to 570.600 shall be enforced.

570.530 Weed inspector right of entry; service of notice to eradicate weeds; department or district control measures. (1) The weed inspector shall have access to the land within the district.

(2) When the provisions of ORS 570.515 to 570.600 are not being complied with, the

weed inspector shall serve a written notice to the owner or occupant of the land. When the weed inspector is unable to serve the notice personally, the weed inspector shall post the notice and two copies thereof in three conspicuous places on the land. The notice shall contain:

(a) The date of service or posting of notice.

(b) The name of the weed or weeds growing on the land, and a statement setting forth that the weeds must be destroyed or must be prevented from producing seed within a specified time of not less than two days or more than 20 days, to be established by the inspector, from the date of service of the notice.

(3) The service of notice as provided in subsection (2) of this section imposes a requirement on the owner or occupant of the land to destroy or prevent the weeds from seeding or spreading during the continuation of ownership or occupancy of the land or until the district is dissolved. A copy of the notice, together with proof of service indorsed thereon, shall be filed with the county court.

(4) Notwithstanding subsections (2) and (3) of this section, ORS 570.520 or 570.535, with permission of the owner or occupant of land, employees of the State Department of Agriculture, or of designated weed control districts, may enter the land to identify noxious weeds and to implement or provide for the implementation of integrated noxious weed control measures, including but not limited to the application of pesticides to the land. The control or eradication of noxious weeds may be conducted with or without charge to the owner or occupant of the land. A notice as described in subsection (2) of this section is not required for the conduct of activities described in this subsection.

[Amended by 2001 c.219 §1]

570.535 Owner or occupant to eradicate weeds; disposition of fines. (1) Each person, firm or corporation owning or occupying land within the district shall destroy or prevent the seeding on such land of any noxious weed within the meaning of ORS 570.515 to 570.600 in accordance with the declaration of the county court and by the use of the best means at hand and within a time declared reasonable and set by the court, except that no weed declared noxious shall be permitted to produce seed.

(2) All moneys collected as fines for violation of ORS 570.515 to 570.600 in any county shall be paid into the county treasury and shall become a part of the weed control fund.

570.540 Eradication of weeds on public lands and rights of way. The State Highway Commission, the respective county courts, reclamation districts and municipalities shall destroy or prevent the spread or seeding of any noxious weed within the meaning of ORS 570.515 to 570.600 on any land owned by them or constituting the right of way for any highway, county road, drainage or irrigation ditch, power or transmission line, or other purposes under their respective jurisdictions.

570.545 Eradication of weeds when owner or occupant refuses to do so; request for quarantine; statement of expenses to be filed. (1) If the owner or occupant of the land fails or refuses to immediately destroy or cut the noxious weeds in accordance with ORS 570.515 to 570.600, the weed inspector shall at once notify the district attorney of the county who shall at once take necessary steps for enforcement of ORS 570.515 to

570.600. The county court shall authorize the weed inspector or such assistants as the weed inspector may employ to go upon the land or premises and destroy the noxious weeds or control them in such manner as will destroy all seeds of such noxious weeds; provided, however, that if destruction or control of the weeds on any farm is in the judgment of the county weed inspector impracticable because the weeds may be too far advanced, or if for any other reason the means of control available are unsatisfactory, the weed inspector shall so notify the county court, which shall request the State Department of Agriculture to immediately quarantine any such uncontrolled noxious weed infested farm within the county to prevent the movement of infested crops or of livestock from such farm except under conditions prescribed in the quarantine that will prevent spread of the weeds by such crops or livestock. In all cases where the inspector undertakes to destroy or control noxious weeds, the most effective and practical method, in the judgment of the inspector, and with least injury to the land or crops, shall be used.

(2) Upon the completion of such work the person so appointed and authorized by the county court shall file with the county clerk an itemized statement of the expenses necessarily incurred in the destruction of such weeds, including the wages of the person as provided in ORS 570.520, verified by the oath of the person.

570.550 Statement to be entered on lien docket; recovery of unpaid amount.

When the statement of expenses is filed, the county clerk shall cause it to be entered upon a lien docket prepared for that purpose. The amount of the charges and expenses when so docketed shall constitute a first lien upon such lands or premises, except as to taxes. If the charges and expenses are not paid and the lien discharged by the owner or occupant of such lands within 90 days from the date the lien is docketed, the county may recover the expenses in an action at law. [Amended by 1957 c.99 §1; 1985 c.621 §4; 1991 c.459 §437]

570.555 Payment for work. If within 10 days from the date of filing and docketing the lien as provided in ORS 570.545 and 570.550, no objections have been filed thereto, the county court shall pay to the person or persons appointed by the court, as provided in ORS 570.520 (1), out of the general funds of the county, the amount of such lien.

570.560 County tax for weed control fund; expenditure. (1) The county courts of the several counties of this state hereby are required to levy a tax and create a fund to be known as the weed control fund for the control of weeds on county highways and public lands and for cooperation with individuals, state and federal agencies in controlling noxious weeds within weed control districts. The amount estimated by the county court as being sufficient for such purposes may be placed in the county budget and after consideration at the meeting held for the purpose of passing upon the tax levy by the electors of the county, may become one of the items for which expenditure may be made during the ensuing year.

(2) When such a fund is created, it shall be expended under the supervision of the county court in such manner as to effectuate the purposes of ORS 570.515 to 570.600.

570.562 Special assessment. Notwithstanding ORS 570.560, in addition to or in lieu of the tax authorized by ORS 570.560, a county governing body may levy a special

assessment based upon benefit to finance weed control activities. All such assessments shall be treated in the same manner as the tax referred to in ORS 570.560. [1985 c.621 §5a; 1989 c.570 §1]

570.565 Dissolution of weed control district; disposition of funds. If in the judgment of the court the enforcement of ORS 570.515 to 570.600 in any county which has been declared a weed control district seems impracticable or likely to work injury to the people of the district, it may after a hearing declare that such weed control district no longer exists. Any special weed control district shall be declared terminated by the county court when a majority of landowners in the district, by petition or by public hearing state that they desire such district terminated for any weeds declared noxious in the district. Any moneys remaining in any fund for weed control shall, after the termination of the district, be credited to the general fund of the county.

570.570 Duty to clean machinery before moving; weed infested residue not to be moved. No person operating or having control of any threshing machinery, clover huller, hay baler, seed cleaning or treating machinery or other machinery shall move said machinery over any public road or from one farm to another without first thoroughly cleaning it. Before moving it, all hay or bundle racks and all other equipment shall be thoroughly swept and cleaned. All hay, straw or other crop residue infested with noxious weeds under the meaning of ORS 570.515 to 570.600 having partially or fully formed seeds shall not be moved from the land on which grown to other lands not infested with any of the weeds in the field from which such crop material came.

570.575 Copy of statute to be posted on machinery; copies furnished by county clerk. (1) No person shall operate any threshing machine, clover huller or hay baler, seed cleaning or treating machinery or any other similar machinery within any duly created weed control district in this state without first having posted in a conspicuous place on such machinery a copy of ORS 570.570 and this section.

(2) The county clerks of the various counties of this state hereby are authorized and directed to have printed a sufficient number of copies of ORS 570.570 and 570.575 and shall deliver such copies upon request to owners or operators of such machinery.

(Cost-Share Assistance Grants)

570.580 Cost-share assistance grants for weed control; application. Any person owning or occupying land within a weed control district or special weed control district who conducts a weed control project in accordance with the provisions of ORS 570.520 and 570.580 to 570.600 may apply to the county court or commission for a cost-share assistance grant. [1975 c.555 §10]

570.585 Cost-share assistance grants for weed control; source of expenditures; limit on grants. (1) The county courts of the several counties of this state hereby are required to provide cost-share assistance grants to persons owning or occupying land within such counties who conduct a weed control project in accordance with the provisions of ORS 570.520 and 570.580 to 570.600. Expenditures by any county court or

commission for cost-share assistance grants shall be made from the county's weed control fund pursuant to ORS 570.560.

(2) In any fiscal year, the amount of cost-share assistance to any person eligible for such assistance under ORS 570.580 and 570.590 shall be an amount equal to, but not exceeding, 50 percent of the actual cost of the eligible person's weed control project. [1975 c.555 §9]

570.590 Eligibility for grants. No person shall be eligible for a cost-share assistance grant under ORS 570.520 and 570.580 to 570.600 unless:

(1) A weed control inspector has:

(a) Conducted a field inspection of the weed control site;

(b) Approved the eligible person's plan for implementing a weed control project; and

(c) Certified that specific expenditures are appropriate for implementation of the project.

(2) The eligible person has made certified expenditures for the purpose of implementing an approved weed control project. Adequate proof of such expenditures shall consist of:

(a) Receipts, invoices or other evidence indicating the amount and cost of the project; and

(b) Such other weed control information as the county court or commission may require. [1975 c.555 §11]

570.595 Department funds for grants; reports by county. (1) Subject to ORS 291.232 to 291.260, the State Department of Agriculture may distribute in the manner prescribed in subsection (3) of this section to each county court an amount equal to 50 percent of the amount of cost-share assistance grants actually provided by the county court to eligible persons pursuant to ORS 570.580 to 570.590.

(2) Any funds available and received by any county court under this section shall be placed in the county's weed control fund and shall be expended by the county court to carry out the purposes of ORS 570.520 and 570.580 to 570.600.

(3) Each county court receiving funds under this section shall report to the department, at such times as the department shall require:

(a) The total number of eligible owners who have received cost-share assistance grants under ORS 570.580; and

(b) Any other weed control information the department shall require to carry out the purposes of ORS 570.520 and 570.580 to 570.600. The department shall make any necessary adjustments in the amounts due each county court at such times as the department determines appropriate in order to avoid overpayment. [1975 c.555 §13]

570.600 Financial assistance by department for weed control; limit on county responsibility. (1) The State Department of Agriculture may provide financial assistance to counties to promote the implementation of noxious weed control projects.

(2) Notwithstanding any other provision of ORS 570.520 and 570.580 to 570.600, a county court is not required to perform any duty, function or power provided in ORS 570.520 and 570.580 to 570.600 unless the department provides financial assistance to the county pursuant to subsection (1) of this section. [1975 c.555 §§14,15]

